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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,515	12/19/2003	Yuan-Hu Chang	LITP0011USA	1514
27765	7590	04/21/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			KAYRISH, MATTHEW	
P.O. BOX 506			ART UNIT	
MERRIFIELD, VA 22116			PAPER NUMBER	
			2627	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/707,515		CHANG, YUAN-HU	
	Examiner		Art Unit	
	Matthew G. Kayrish		2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 102(b) as being unpatentable over Fujimura (U.S. Patent Number 5963528).
4. Regarding claim 1, Fujimura et al disclose:

A locking mechanism for an external optical disk drive with a cover (figure 2, item 6) and an upper housing (figure 2, item 5), comprising:

An elastic member, having a first (figure 10, item 28b) and a second (figure 21, item 28a) connecting ends;

A rotary shaft (figure 10, item 36), integrally formed with the cover (column 6, lines 36-24) and having a hole (figure 10, item 27a) adapted to receive the first connecting ends (See figure 10) and a connecting portion (figure 10, inner radial part of item 27);

A locking member, positioned on the upper housing (column 2, lines 41-47);

A mounting member (Figure 10, item 22), positioned on the upper housing and adapted to fasten the second connecting end (figure 10, item 22c) and receive the connecting portion (column 6, lines 11-14), wherein the rotary shaft is pivotally coupled to the mounting member by the connecting portion (column 6, lines 8-11),

Wherein when the cover is closed, the first connecting end of the elastic member is directed to the connecting portion of the rotary shaft (figure 10, item 28b directed to item 36 when closed).

5. Regarding claim 4, Fujimura et al disclose:

The locking mechanism as claimed in claim 1, further comprising a gear rack that is integrally formed with the rotary shaft of the cover (column 6, lines 8-12).

6. Regarding claim 5, Fujimura et al disclose:

The locking mechanism as claimed in claim 4, further comprising a spur gear that is positioned on the mounting member and is adapted to engage with the gear rack (column 5, lines 29-38).

7. Regarding claim 9, Fujimura et al disclose:

An external optical disk drive, comprising:

A lower housing (figure 2, item 4);

An upper housing, positioned at the lower housing (figure 2, item 5);

A locking member, positioned on the upper housing (column 2, lines 42-47);

An elastic member, having a first (figure 10, item 28b) and a second (figure 10, item 28a) connecting ends;

A cover (column 6, lines 15-24), having a rotary shaft (figure 10, item 36) and a gear rack (figure 10, item 27) wherein the rotary shaft has a connecting portion (figure 10, inner radial part of item 27) and a hole to be adapted to receive the first connecting end of the elastic member (figure 10, item 27a);

A mounting member (Figure 10, item 22), positioned on the upper housing and adapted to fasten the second connecting end (figure 10, item 22c), and receive the connecting portion (column 6, lines 11-14), wherein the rotary shaft is pivotally coupled to the mounting member by the connecting portion (column 6, lines 8-11),

A spur gear, positioned at the mounting member (column 5, lines 29-38);

Wherein the cover is opened or closed, the spur gear will engage with the gear rack of the cover (column 5, lines 29-38);

Wherein when the cover is closed, the first connecting end of the elastic member is directed to the connecting portion of the rotary shaft (figure 10, item 28b directed to item 36 when closed).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 2,3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimura, in view of Official Notice.
10. Regarding claim 2, 3, 10 and 11, Official Notice is taken that it is well known in the art to make these elastic torsion members out of plastic or metallic materials, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plastic or metallic torsion spring since metal or plastic are well known materials in making torsion springs.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Matthew Greco Kayrish

4/3/2006

MK



4/3/2006


ANGEL CASTRO
PRIMARY EXAMINER